



United States Department of the Interior
FISH AND WILDLIFE SERVICE
Mountain-Prairie Region

Date

AUG 24 2006

REGIONAL DIRECTOR'S ORDER NO. 7

Subject: Processing Freedom of Information Act Requests

Sec. 1. What is the purpose of this Order? This Order establishes procedures to follow in processing Freedom of Information Act requests.

Sec. 2. To whom does this Order apply? This Order applies to all Region 6 employees.

Sec. 3. What are the authorities for taking this action? Fish and Wildlife Service Manual Freedom of Information Act Part 203 and the Freedom of Information Act Handbook (383 DM 15), which supplements Departmental guidance in 43 CFR 2 and 383 DM 15.

Sec. 4. What are the procedures for processing a FOIA request?

A. All FOIA requests must be routed through the Regional FOIA Officer. If a program office receives a FOIA request directly from the requester, it will send a copy of the request promptly to the FOIA Officer.

B. The FOIA Officer will assign the request to the appropriate office (lead office). The FOIA Officer and the lead office will resolve any issues regarding the scope or nature of the request.

C. After all issues are resolved, the lead office will perform the necessary search and review of records. This includes coordination with other offices, regions and headquarters. The lead office should consult with the Regional FOIA Officer for advice and guidance on processing the FOIA request.

D. After reviewing the documents, the lead office will prepare an index of the documents (see attachment). The index will be divided into two sections: (1) documents to be released, and (2) documents that require a release determination; this includes any document that meets one of the nine exemptions (see below) **AND** any document that involves a potentially controversial or sensitive issue. Under the FOIA, there are nine exemptions and three law enforcement exclusions that serve as a basis for withholding information from the public. The nine exemptions are:

- Exemption 1 - Matters of National Defense or Foreign Policy
- Exemption 2 - Internal Personnel Rules and Practices
- Exemption 3 - Information Exempted by Other Statutes

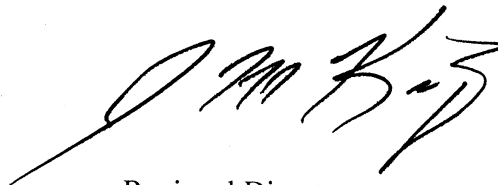
- Exemption 4 - Trade Secrets, Commercial or Financial Information (Confidential Business Information)
- Exemption 5 - Privileged Interagency or Intra-agency Memoranda or Letters
- Exemption 6 - Personal Information Affecting an Individual's Privacy
- Exemption 7 - Records Compiled for Law Enforcement Purposes
- Exemption 8 - Records of Financial Institutions
- Exemption 9 - Geological and Geophysical Information Concerning Wells

The exemptions listed above are not mandatory bars to disclosure; they describe the information that Service officials may, upon a determination that sound grounds exist for withholding a record, choose not to release. It is the practice of the Service to withhold information falling within an exemption only if disclosure is prohibited by Federal statute or Executive Order, or if valid grounds exist for invocation of the exemption. If an exemption is to be invoked to deny access to information, a justification for withholding the information must be provided--a mere assertion that an exemption applies is insufficient. For any denials of requests made under the authority of exemptions (2) or (5) above, the Service's file must include a brief description of the specific harm to the Government that could occur if the material were released.

E. The documents and index should be forwarded to the FOIA Officer for review and preparation of the response letter to the requestor.

Sec. 5. Who makes the final decision to withhold information? A decision to withhold a requested record or to release a record that is exempt from disclosure may be made by the Regional Director, Deputy Regional Director, an Assistant Regional Director, or the Regional FOIA Officer, but only after consultation with the relevant component of the Solicitor's Office.

Sec. 6. When is this Order effective? This Order is effective immediately. This Order does not expire, unless amended, superseded or rescinded.

A handwritten signature in black ink, appearing to be "J M K-3", written over a horizontal line.

Regional Director

INDEX SAMPLE

Documents SUBJECT TO WITHOLDING

List of Records for NAME OF REQUESTOR

WITHHELD	DATE	FROM	TO	TYPE	LOCATION	LENGTH	SUBJECT
<i>If withheld, state what exemption. If redacted, state under what exemption. If controversial or sensitive, flag the document/page(s).</i>	<i>Date of document</i>	<i>Author/who the document is from</i>	<i>Recipient/audience of document</i>	<i>What kind of document? (e.g., email, report, letter, memo, etc.)</i>	<i>Where it was located?</i>	<i>How many pages?</i>	<i>What is the subject of the document?</i>
Exemption 5 Predecisional	00/00/03	GSG RCP Steering Committee		Conservation Plan	GJ ES	250	Draft GSG Conservation Plan

Documents RELEASED

List of Records for NAME OF REQUESTOR

DATE	FROM	TO	TYPE / SUBJECT
<i>Date of document</i>	<i>Author/who the document is from</i>	<i>Recipient/audience of document</i>	<i>What is the subject of the document? What kind of document? (e.g., email, report, letter, memo, etc.)</i>
00/00/03	GSG RCP Steering Committee		Draft GSG Conservation Plan